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HOUSE BILL 1925

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kretz, Holmquist, Haler, Buri, Newhouse and Orcutt

Read first time 02/10/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to providing assistance to small counties and  
2 cities facing legal liability and costs associated with an action filed  
3 under the federal clean water act's citizen suit provision; and adding  
4 a new section to chapter 90.48 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 90.48 RCW  
7 to read as follows:

8            (1) A county or city with a population fewer than fifteen thousand  
9 that receives a notice pursuant to 33 U.S.C. Sec. 1365(b) may receive  
10 assistance from the department in responding to a notice filed pursuant  
11 to 33 U.S.C. Sec. 1365(b) and defending against an action filed  
12 pursuant to 33 U.S.C. Sec. 1365. The department shall provide, without  
13 charge to the county or city submitting a request under this section,  
14 any or all of the following assistance:

15            (a) Educational information related to the requirements of the  
16 federal clean water act, 33 U.S.C. Sec. 1365;

17            (b) Educational and technical information regarding measures to  
18 achieve compliance with the requirements of the federal clean water  
19 act, 33 U.S.C. Sec. 1365;

1 (c) Review of the county's or city's activities and programs  
2 associated with the allegations in the notice filed pursuant to 33  
3 U.S.C. Sec. 1365(b) to determine potential compliance issues and to  
4 identify measures to achieve compliance; and

5 (d) Technical assistance, research, or other assistance and  
6 information related to responding to the notice filed pursuant to 33  
7 U.S.C. Sec. 1365(b) and defending against an action filed pursuant to  
8 33 U.S.C. Sec. 1365.

9 (2) A county or city with a population fewer than fifteen thousand  
10 that receives a notice pursuant to 33 U.S.C. Sec. 1365(b) may receive  
11 legal defense assistance from the attorney general in responding to a  
12 notice filed pursuant to 33 U.S.C. Sec. 1365(b) and defending against  
13 an action filed pursuant to 33 U.S.C. Sec. 1365. The attorney general  
14 shall provide, without charge to the county or city submitting a  
15 request under this section, any or all of the following assistance:

16 (a) Legal review of the notice filed pursuant to 33 U.S.C. Sec.  
17 1365(b), with analysis of the allegations in the notice and a  
18 preliminary analysis of the relative merits of those allegations;

19 (b) Legal research and drafting assistance; and

20 (c) Legal representation and defense in responding to the notice  
21 filed pursuant to 33 U.S.C. Sec. 1365(b) and defending against an  
22 action filed pursuant to 33 U.S.C. Sec. 1365.

23 (3) The department and the office of the attorney general shall  
24 respond promptly to any requests for assistance submitted according to  
25 subsection (1) or (2) of this section.

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